



Alan C. Lloyd, Ph.D.  
Agency Secretary

# State Water Resources Control Board

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**Division of Water Rights**  
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Arnold Schwarzenegger  
Governor

## NOTICE OF PUBLIC WORKSHOP

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### **Consideration of Potential Amendments or Revisions to the Delta Outflow Objective of the Water Quality Control Plan for the San Francisco Bay/ Sacramento-San Joaquin Delta Estuary**

The workshop will commence on Wednesday, August 31, 2005  
at 9:00 a.m. at the  
Joe Serna, Jr. (Cal/EPA) Building  
Sierra Hearing Room  
1001 I Street  
Sacramento, California

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### **SUBJECT OF WORKSHOP**

The purpose of the workshop is to receive information and conduct detailed discussions regarding specific plan amendments or revisions to the Delta Outflow Objective of the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary adopted in 1995 (1995 Plan).

### **BACKGROUND**

Under its authority to protect the beneficial uses of water, the State Water Resources Control Board (State Water Board) adopted the 1995 Plan on May 22, 1995, in Resolution No. 95-24. The 1995 Plan superseded the Water Quality Plan for Salinity (adopted in May 1991, in Resolution No. 91-34) and the Water Quality Control Plan for the Sacramento-San Joaquin Delta and Suisun Marsh (adopted in August 1978, in Resolution No. 78-43). Water Code section 13240 requires that water quality control plans be periodically reviewed. The federal Clean Water Act, at section 303(c) (33 U.S.C., § 1313(c)) requires a triennial review of state water quality "standards," as defined in the Act.

In 2004, the State Water Board conducted a periodic review of the 1995 Plan. This review included a public workshop (held on January 8, 2004) to receive information regarding potential amendments to the 1995 Plan. Numerous parties filed comments to the periodic review, and these comments included several recommendations for potential amendments to the 1995 Plan. State Water Board staff members reviewed these comments and recommendations and compiled



a staff report<sup>1</sup> with recommendations regarding objectives within the 1995 Plan that the State Water Board should consider amending. A revised version of the staff report was adopted at the September 30, 2004, Board Meeting.

In accordance with the recommendations contained in the staff report, the State Water Board issued a revised notice for a series of public workshops (hereinafter referred to as Plan Review Workshops) on October 22, 2004. This notice listed eleven issues. Each issue addressed a part of the 1995 Plan for which the State Water Board wished to receive information that might support potential amendments. The State Water Board held the Plan Review Workshops over sixteen days between October 27, 2004, and March 22, 2005, and received information addressing all eleven issues contained in the revised workshop notice.

The State Water Board dedicated two of the Plan Review Workshop dates to receiving information and recommendations regarding Issue 5, the Delta Outflow Objective. Several parties recommended keeping the objective unchanged or modifying the objective to cause additional releases of fresh water through the Delta. Other parties, including the California Bay-Delta Authority's Water Operations Management Team (WOMT), recommended that the objective be modified to allow increased flexibility in meeting the objective in order to avoid adverse upstream impacts, thereby reducing releases of fresh water. The State Water Contractors suggested that they and other entities could prepare further modeling analyses to evaluate the impacts of potential flexing of the objective.

## **PURPOSE OF ADDITIONAL WORKSHOP**

The State Water Board has scheduled an additional day of workshop to receive information regarding the results of subsequent modeling and any proposals regarding how and when to increase the flexibility of the Delta Outflow Objective. The workshop will be limited to responses to the following Key Questions:

Should the State Water Board amend the Delta Outflow Objective in the Water Quality Objectives for Fish and Wildlife Beneficial Uses (Table 3 of the 1995 Plan) to increase flexibility in the value of the objective or in the alternative methods to meet the objective set forth in footnote 14 of Table 3? How should the State Water Board modify the value and footnote 14, and what are the scientific and legal arguments in support of and against such modifications?

The State Water Board requests that the parties in the workshop address the following specific questions:

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<sup>1</sup> The revised staff report is available at <http://www.waterrights.ca.gov/baydelta/Triennial%20Plan.htm> or by calling Ms. Gita Kapahi at (916) 341-5289, or via U.S. mail: Ms. Gita Kapahi, Chief, Special Projects Unit, P.O. Box 2000, Sacramento, CA 95812-2000.

- a. What changes would increase the flexibility of either the value of the objective or the methods set forth in footnote 14 to meet the objective? What specific values of the Delta Outflow Objective and what conversions in footnote 14 should be modified (flexed)? What are the numerical limits of these modifications (also referred to as sideboards)?
- b. What rationale is recommended for amending the Delta Outflow Objective? The rationale should include a brief description of how the current operational procedures/protocols that the State Water Project and the Central Valley Project use to meet the Delta Outflow Objective result in either adverse impacts to upstream resources or over-compliance with the objective.
- c. Have any analyses been performed to evaluate the feasibility of the alternative operational procedures/protocols recommended by the participant? Explain what analyses have been performed and their results.
- d. What specific process is available to determine when flexing is appropriate (also referred to as a decision tree)?
- e. What impacts would the proposed modifications cause to the beneficial uses listed in the 1995 Plan? Modeling analyses representative of the entire range of possible modifications to the objective under the flexing proposal should (at a minimum) address impacts to:
  1. The reliability of meeting the objectives for municipal and agricultural beneficial uses.
  2. The reliability of meeting the objectives for the protection of fish and wildlife beneficial uses.
  3. Meeting the current values of the Net Delta Outflow Index, calculated on the daily, three-day, seven-day, and fourteen-day running averages and the monthly average.
  4. The position of X2 (2 mmhos isohaline) compared with current footnote 14.
  5. The timing, quantity, and rate of exports or diversions from the southern Delta at the Tracy, Banks, North Bay Aqueduct, and Contra Costa pumping facilities.
  6. The timing, quantity, and rate of diversion of water from the Delta for the Environmental Water Account and B2 account.
- f. What are the analyses of the California Department of Fish and Game, the United States Fish and Wildlife Service, and the National Marine Fisheries Service regarding the impacts of any specific flexing proposal on fish and wildlife beneficial uses?

Parties should not interpret the listing of these questions as a predetermination to adoption of potential amendments to the Delta Outflow Objective by the State Water Board. This workshop will be limited to information specific to the Delta Outflow Objective.

## PROCEDURAL MATTERS

The workshop will commence at 9:00 a.m. on August 31, 2005. Participants will be encouraged to summarize their written materials. To ensure that the workshop moves efficiently and that everyone has an opportunity to participate, the State Water Board reserves the right to impose time limits on oral presentations. Participants with similar comments are requested to make joint presentations.

The workshop will be informal. There will be no sworn testimony or cross-examination of participants, but the State Water Board and its staff may ask clarifying questions.

The purpose of the workshop is to gather relevant information. This workshop is part of a quasi-legislative proceeding, and the participants are encouraged to provide adequate documentation to support their proposals or their opposition to the proposals of others. All information acquired and relied upon in preparing a 1995 Plan amendment or revision will be included in the administrative record. If adequate information is not provided during the workshop sessions or in the submitted written materials, the State Water Board staff may seek additional information through direct contacts with participants and other persons or entities, through literature searches, or by other means. All contacts will be recorded and included in the administrative record of any 1995 Plan amendment or revision resulting from this proceeding.

After the workshop, the State Water Board staff will prepare plan amendments or a revised plan, including appropriate environmental documentation, in accordance with Public Resources Code section 21080.5. (See Cal. Code Regs., tit. 14, § 15251(g), and tit. 23, § 3775, et seq.) After staff has prepared the draft plan amendments or a draft revised plan and environmental documentation, the State Water Board will provide notice of a public hearing to consider whether to adopt the proposed amendments or revised plan, pursuant to Water Code sections 13170 and 13244. After the hearing, the State Water Board will prepare responses to comments on significant environmental points and will then schedule a Board meeting to vote on a resolution adopting the plan amendments or revised plan.

No later than 14 days before the workshop date, participants shall submit documents that include: (1) detailed written technical information, (2) recommended language for plan amendments or revisions, and (3) legal justification for the plan amendments or revisions they are seeking. At the workshop, the participants will be given an opportunity to supplement their written materials with oral presentations. Final comments on the issue will be due on September 9, 2005.

The State Water Board requests that an original plus 16 copies of written comments be sent to:

Debbie Irvin, Clerk to the Board  
State Water Resources Control Board  
P.O. Box 100, Sacramento, CA 95812

Written comments may also be sent by electronic mail to [dirvin@waterboards.ca.gov](mailto:dirvin@waterboards.ca.gov), faxed to Ms. Irvin at (916) 341-5620, or delivered by hand to the following address:

Debbie Irvin, Clerk to the Board  
State Water Resources Control Board  
Cal/EPA Headquarters  
1001 "I" Street  
Sacramento, CA 95814

Couriers delivering comments must check in with lobby security and have them contact the State Water Board's first floor mailing room. Any comments sent by electronic mail or fax must be followed by a mailed hard copy with an original signature plus fifteen additional hard copies.

All documents submitted timely will be posted on the Division of Water Rights website at <http://www.waterrights.ca.gov/baydelta/Triennial%20Plan.htm>. Each participant is requested to bring additional copies of any written submittals to the workshop for the use of the other participants.

#### **PARKING AND ACCESSIBILITY**

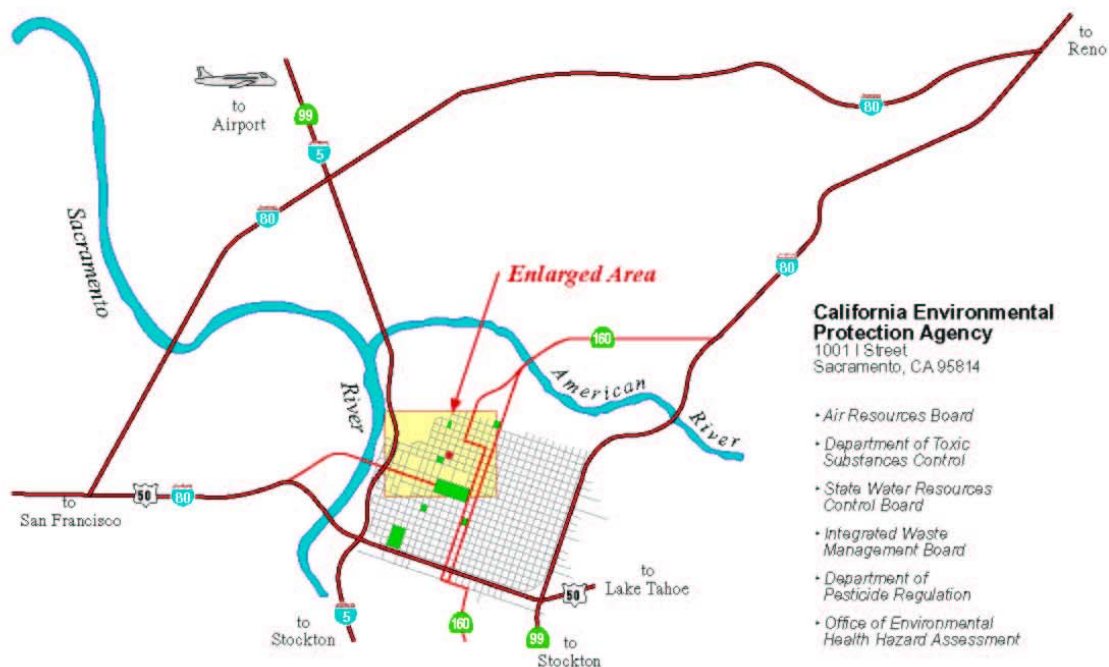
The enclosed maps show the location of the Joe Serna, Jr. (Cal/EPA) Building and public parking sites in the immediate vicinity. The Sierra Hearing Room in the Joe Serna, Jr. (Cal/EPA) Building is accessible to persons with disabilities.

Due to enhanced security precautions at the Joe Serna, Jr. (Cal/EPA) Building, all visitors are required to sign in prior to attending any meeting. Visitors must sign in and obtain badges in the Visitor and Environmental Services Center, which is just inside and to the left of the building's public entrance. Visitors may be asked to show valid picture identification. Valid identification can take the form of a current driver's license, military identification card, or state and federal identification cards. Depending on the size and number of meetings scheduled on any given day, the security check-in could take from three to fifteen minutes. Please allow adequate time to sign in before being directed to your meeting.

#### **ORIGINAL SIGNED BY**

Debbie Irvin  
Clerk to the Board

Dated: July 18, 2005



### Parking Lot Locations



### Parking Lot Locations

- Lot 1 (7th & G St.)
- Lot 2 (7th & G St.)
- Lot A (7th & Capitol)
- Lot C (14th & H St.)
- Lot G (3rd & L)
- Lot H (10th & L)
- Lot I (10th & I, 11th & I)
- Lot K (6th & J/L, 7th & K)
- Lot P (2nd & I)
- Lot U (5th & J)
- Lot W (2nd & I St.)